

REMARKS/ARGUMENTS

These Remarks are submitted in response to the Office Action mailed November 20, 2008. The above amendment corrects minor informalities in the presentation of the marked-up claims pointed out in the Notice of Non-Responsive Amendment mailed August 21, 2008. Claims 1-10 are pending. Claims 1-10 have been amended to incorporate subject matter indicated in the Office Action to be enabled, and to correct minor informalities. Support for the amended claims can be found throughout the specification as originally filed. *See*, for example, page 3, lines 6-10, and the example at page 4 of the specification.

Claims 1-10 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The office action states that “prevention” of hair growth is not enabled. In this regard, Office Action states that the term “prevented” is taken to mean “cured.” Office Action, page 6. Although applicant does not necessarily agree with this position, the claims have been amended to recite “treatment or reduction” and no longer recite “prevention.” The Office Action states that the specification is “enabled for methods of treating or reducing hair growth in a patient suffering hirutism comprising administering an effective amount of botulisum toxin to said person in need thereof.” Office Action, page 2. Accordingly, the rejection of claims 1-10 for lack of enablement under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Claims 6-10 are rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness, based on the lack of antecedent basis for the terms “the administration” and “the area of the body” in claims 6 and 10. Claims 6 and 10 have been amended to correct the lack of antecedent basis for these terms. Accordingly, Applicant respectfully request withdrawal of the rejection of claims 6-10 as being indefinite under 35 U.S.C. § 112, second paragraph.

CONCLUSION


Entry of the foregoing and prompt and favorable consideration of the subject application on the merits are respectfully requested. The examiner is invited to contact the undersigned by telephone at 202-419-2021 to resolve any outstanding issues regarding this application.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Date: September 24, 2008

By:


Jeff B. Vockrodt
Registration No. 54,833

HUNTON & WILLIAMS LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)